

# **In the United States Patent and Trademark Office**

<b>Serial No.:</b> 09/870,865	<b>Docket No.:</b> 17209-480
<b>Filed:</b> May 31, 2001	<b>Conf.No.:</b> 8973 <b>Art Unit:</b> 3624
<b>Applicant(s):</b> Stephen A. Lindia	<b>Examiner:</b> Loftis, Johnna Ronee
<b>For:</b> Employee Performance Monitoring System	

Mailstop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## **AMENDMENT/RESPONSE ACCOMPANYING RCE, 37 CFR §1.114**

Sir:

Further to the Examiner's Answer dated April 7, 2006 (hereinafter "Examiner's Answer"), Appeal Brief dated March 2, 2006 (hereinafter "Appeal Brief"), Advisory Action dated February 1, 2006 (hereinafter "Advisory Action") and Final Office Action dated October 17, 2005 (hereinafter "Office Action"), in view of the concurrently filed request for Request Continued Examination ("RCE"), and in view of the amendments and/or remarks, Stephen A. Lindia and/or Attorney(s) for applicant(s) (hereinafter "Applicant") request withdrawal from appeal, entry of the following amendments and/or remarks, reopening of substantive examination on the merits and reconsideration of the above-referenced application.

**Amendments to the Claims** are reflected in the listing of claims begin on page 2.

**Remarks** begin on page 9 of this paper.

**35 USC § 102** remarks begin on page 9 of this paper.

**35 USC § 103** remarks begin on page 14 of this paper.